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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,661	06/15/2001	Klaus Titzschkau	14510	2239

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EXAMINER

RAJGURU, UMAKANT K

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/807,661

Applicant(s)

TITZSCHKAU, KLAUS

Examiner

Umakant K. Rajguru

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-23 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-23 and 26-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. An RCE (paper 14) has been filed on May 30, 2003.
2. Claims under examination are 14-23 and 26-28.
3. Rejection of claim 26 under 35 USC 112, second paragraph (see item 6, paper 9) is now withdrawn.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 14, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 is indefinite in reciting "decabromodiphenyl" on line 3 since decabromodiphenyl is a radical, not a compound.

Same is case with claim 21.

6. Claims 14-23 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dikotter et al (USP 3428597) in view of Touval (USP 4021406) Nakahashi et al (USP 5859176) or Yamamoto et al (USP 5256718).

Dikotter is cited in earlier office actions.

Disclosure of Dikotter is presented earlier (see paper #7).

Dikotter does not mention organic halogen compounds.

Touval describes flame retardant compositions comprising a halogen-containing organic compound and polyamides (abstract; col. 2, lines 35-50; col. 55-56, col. 6, lines 28-36).

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Nakahashi discloses polyamide resin comprising polyamide, a styrene polymer (abstract). The styrene polymer can be a chloro modified styrene (col. 7, lines 44). A copper-compound can also added (col. 16, line 2).

Yamamoto discloses a polyamide composition comprising halogenated organic compounds as stabilizers.

Therefore it would have been obvious to incorporate into the composition of Dikotter, the halogen containing compounds of Touval, Nakahashi or Yamamoto with the expectation of imparting flame retardance as well as stability.

It is true that Touval and Nakahashi teach the use of halogenated organic compound for imparting flame retardancy. Examiner is of the opinion that inclusion of these compounds helps impart stability also.

Applicant's statement (on page 5 paper 11) that "molar ratio of copper to halogen as taught by Dikotter is outside the claimed range" is not persuasive particularly in view of disclosure of Dikotter in col. 2, lines 7-10.

7. Claims 14-23 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nentwig et al (USP 3507833) in view of Touval et al (USP 4021406), Nakahashi et al (USP 5859176) or Yamamoto et al (USP 5256718).

Nentwig is cited in earlier office actions.

Disclosure of Nentwig is presented in paper 7. Those of remaining references are summarized above.

Nentwig does not mention the use of halogen compounds.

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It would have been obvious to add to the composition of Nentwig, the halogen containing compounds of Touval, Nakahashi or Yamamoto to impart stability as well as flame retardancy.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is 703-308-3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



U. K. Rajguru/mn  
August 18, 2003



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700